

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.514 of 2025

Arising Out of PS. Case No.-569 Year-2024 Thana- FATEHPUR District- Gaya

Ashish Yadav S/o Late Indradev Yadav @ Late Inderdev Yadav R/o Village-
Kathadih, PS- Fatehpur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi W/o Bhusan Ravidas R/o vill - Kathadih, P.S.- Fatehpur, Distt.-
Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Mishra, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Ujjawal Kumar Singh, Advocate
		Ms. Jyoti Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-11-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and Mr. Ujjawal Kumar
Singh, counsel for the informant.

2. The counsel appearing for the informant is insisting
that the Court should see the photograph of the injured victim
when the Court was going to rely on the Injury Report.

3. This kind of practice is not appreciated by this
Court.

4. This appeal has been preferred against the order
dated 10.12.2024, passed by the learned Exclusive Special
Judge, S.C./S.T., Gaya, in connection with A.B.P. No. 364 of
2024, arising out of Fatehpur P.S. Case No. 569 of 2024,



registered for the offences under Sections 126(2), 115(2), 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 3(i)(r)(s) and 3(2)(v) of the S.C./S.T. (Prevention of Atrocities) Act, by which the prayer for anticipatory bail of the appellant was rejected.

5. As per the prosecution case, the allegation against the appellant is that he assaulted the victim and abused him by taking his caste name.

6. Learned counsel for the appellant submits that a false and frivolous case has been instituted against the appellant. It is contended that the Injury Report indicates only simple injury. It is further argued that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellant.

7. The counsel for the informant has vehemently opposed the prayer for anticipatory bail as noted above.

8. From a plain reading of the F.I.R., it does not appear that the alleged occurrence was committed against the informant on the ground of her belonging to the S.C./S.T. community.

9. In these circumstances, this application for grant of anticipatory bail is held to be maintainable.



10. Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and accordingly, the order dated 10.12.2024, passed by the learned Exclusive Special Judge, S.C./S.T., Gaya, in connection with A.B.P. No. 364 of 2024, arising out of Fatehpur P.S. Case No. 569 of 2024, is hereby set aside.

11. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, S.C./S.T., Gaya / concerned court below, in connection with Fatehpur P.S. Case No. 569 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Sandeep Kumar, J)

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